

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----
INTELLECTUAL VENTURES I LLC and
INTELLECTUAL VENTURES II LLC,

Plaintiff,

v.

CITIGROUP, INC., ET AL.,

Defendants.

x

: **ORDER DENYING SUMMARY
JUDGMENT BASED ON ISSUE
PRECLUSION**

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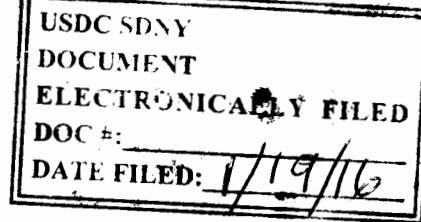
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: 14-cv-4638 (AKH)

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x



ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendants move for partial summary judgment of invalidity with respect to two of the Patents at issue in this lawsuit: U.S. Patents No. 6,546,002 and 7,984,081. They argue that District Court decisions finding that the two Patents are ineligible, in the Western District of Pennsylvania and the District of Maryland, preclude litigation of that issue in this case, and thus entitle defendants to summary judgment as to those two patents. *See Intellectual Ventures I LLC v. Old Republic Gen. Ins. Grp., Inc.*, No. 2:14-cv-01130 (W.D. Pa. Sept. 25, 2015); *Intellectual Ventures II LLC v. Capital One Financial Corp. et al.*, No. 8:14-cv-00111 (D. Md. Sept. 2, 2015). The motion is denied. The cases have been consolidated for appeal to the Federal Circuit. *Intellectual Ventures I v. Capital One Financial Corp.*, No. 16-1077 (Fed. Cir., appeal docketed Oct. 15, 2015). There is no point in dismissing these claims, when the patents may yet be held to cover eligible material. The parties' requested stay of the litigation related to these patents is also denied. The issues are before me, and if the defendants feel the District Courts that considered the 35 U.S.C. § 101 issue decided correctly, they may, by proper motion, seek to persuade me along the same lines.

The oral argument scheduled for Thursday, January 21, 2016 at 3:00 P.M. is cancelled.

The Clerk shall mark the motion (Doc. No. 95) terminated.

SO ORDERED.

Dated: New York, New York
 January 19, 2016



ALVIN K. HELLERSTEIN
United States District Judge